

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DAVID NEAL,

Petitioner,

vs.

No. CIV-06-1211 BB/WDS

**ROBERT ULIBARRI, Warden, and
THE ATTORNEY GENERAL OF THE STATE
OF NEW MEXICO,**

Respondent.

ORDER

THIS MATTER came before the Court on Petitioner's Application for a Writ of Habeas Corpus filed under 28 U.S.C. § 2254. (Document No. 1) Respondent filed a Motion to Dismiss the Petition with Prejudice (Document No. 8), to which Petitioner filed a Response. (Document 11) Having reviewed the record de novo and considered the United States Magistrate Judge's Proposed Findings and Recommended Disposition and Petitioner's objections thereto, and being otherwise fully advised, I find that Respondent's Motion to Dismiss the Petition with Prejudice should be **GRANTED**, and the Application for a Writ of Habeas Corpus should be dismissed.

WHEREFORE, IT IS ORDERED that the findings and recommendations of the United States Magistrate Judge are adopted.

IT IS FURTHER ORDERED that Respondent's Motion to Dismiss the Petition with Prejudice is **GRANTED**, and this matter is dismissed with prejudice.



BRUCE D. BLACK
United States District Judge